

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

KEITH SAUNDERS,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

Carol L. Gallagher, Carol L. Gallagher, Esquire, LLC., Linwood, NJ, for petitioner;

Jennifer L. Reynaud, United States Dep't of Justice, Washington, DC, for respondent.

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* No. 15-233V
* Special Master Christian J. Moran
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* Filed: February 29, 2016
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* Attorneys' fees and costs; award
* in the amount to which
* respondent does not object.

UNPUBLISHED DECISION ON FEES AND COSTS¹

On February 22, 2016, petitioner filed a stipulation of fact for attorneys' fees and costs. Previously, petitioner informally submitted a draft application for attorneys' fees and costs to respondent for review. In informal discussions, respondent raised objections to certain aspects of petitioner's application. Based on these discussions, petitioner amended his application to request \$21,000.00, an amount to which respondent does not object. The Court awards this amount.

On March 6, 2012, Keith Saunders filed a petition for compensation alleging that the influenza ("flu") vaccine administered on September 16, 2013, caused him to suffer chronic inflammatory demyelinating polyneuropathy ("CIDP"). As of the date of this decision, the parties had reached a tentative agreement in this case.

¹ The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Once petitioner actually receives compensation, he shall be entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Petitioner seeks a total of **\$21,000.00**, in attorneys' fees and costs for his counsel. At the time petitioner filed his petition on March 6, 2015, petitioner was represented by attorney Thomas P. Gallagher. On May 21, 2015, the Court granted petitioner's motion for substitution of counsel naming Ms. Gallagher as his attorney of record. Additionally, petitioner filed a statement of costs in compliance with General Order No. 9, stating that he did not incur any litigation expenses while pursuing this claim. Respondent has no objection to the amount requested for attorneys' fees and costs.

After reviewing the request, the Court awards the following:

- a. A lump sum of \$8,000.00, in the form of a check made payable to petitioner and petitioner's attorney, Thomas P. Gallagher, for attorneys' fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).**
- b. A lump sum of \$13,000.00, in the form of a check made payable to petitioner and petitioner's attorney, Carol L. Gallagher, of Carol L. Gallagher, Esquire, LLC., for attorneys' fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).**

The Court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.

Any questions may be directed to my law clerk, Shannon Proctor, at (202) 357-6360.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master